

*Application Serial No. 10/019,767  
Amendment and Response dated January 11, 2006  
Reply to Office Action mailed March 23, 2005*

### **REMARKS/ARGUMENTS**

Claims 13-25 are pending. Claims 13 and 14 have been amended herein to refer to the diaphragm having a resilient mounting. Support for these amendments can be found at page 3 of the specification, penultimate paragraph. New claims 23 to 25 have been added. Support for these new claims can be found at page 3 of the specification, penultimate paragraph. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

#### **Claim Rejections Under 35 USC §103**

The Examiner has rejected claims 13-22 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent No. 6,620,057 ("Pirritano") in view of U.S. Patent No. 6,620,057 ("Quimby") and U.S. Patent No. 6,021,949 ("Boiron").

As amended, Claim 13 refers to a golf ball having an identification device located in a capsule within the core of the ball. The device has a coded element and aerial. The ball has a specific shock absorbing mechanism to protect the coded element and aerial. This mechanism involves the coded element being mounted on a diaphragm which in turn has a resilient mounting. Furthermore, the claim refers to the capsule surrounding the diaphragm in such a way that there is space for relative movement therebetween. As the diaphragm is resiliently mounted, the diaphragm can spring back into position when jolted, and the position of the capsule and the space around the diaphragm permits this movement. Accordingly, the coded element is protected from the effects of impacts.

Pirritano describes a golf ball having flat loop transponders 33 formed as a loop 40 of copper foil laminated to a KAPTON substrate. KAPTON is a flexible polyimide film.

The Examiner believes that the antenna is one of the flat loop transponders and that the KAPTON substrate is the 'resilient diaphragm' (page 4 of the official letter). While KAPTON is a flexible substrate, this in no way implies it is a resilient substrate (i.e. capable of returning to an original shape or position). In any event, the claim does not require a 'resilient diaphragm' rather a diaphragm which is "resiliently mounted." "Resiliently" is an adverb that describes the way in which the diaphragm is mounted (in contrast, it seems the Examiner has interpreted the term 'resilient' (which was not in the claim) as an adjective to describe the diaphragm.

In other words, it is the mounting means which must be resilient. The claim has now been amended to make this more clear. The claim, as amended, now refers to the diaphragm having a resilient mounting.

Regarding claim 13, Pirritano does not describe:

- a) a diaphragm having a resilient mounting (if the antenna is transponder 33 and the diaphragm is the KAPTON substrate, the KAPTON substrate does not have a resilient mounting)
- b) an identification device located in a capsule embedded in the core of the golf ball
- c) a capsule surrounding the diaphragm with space for relative movement between.

The Examiner has cited Quimby as an example of a golf ball having feature b) above. Quimby describes a transmitter 30 which is positioned within an impermeable encasement 32. There is no indication of whether the identification system has a diaphragm and whether the

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capsule is positioned around the diaphragm so that there is space for relative movement between. In other words, Quimby does not describe features a) or c) above.

The Examiner has also cited Boiron, which describes a gambling chip with an identification device. The identification device includes an electronic circuit 52 connected to a circular antenna 54. The circuit 52 and antenna 54 are housed in a half shell 56. It should be noted that if the antenna 54 to be taken as the diaphragm, then this does not have a resilient mounting. The half shell 56 and identification device 49 are placed in the mould of an injection process to obtain a rigid monobloc assembly, and thus, there is no room for relative movement. Boiron does not describe any of features a), b) or c).

Accordingly, even if the skilled person were to combine all three documents as the Examiner suggests, the result falls short of the subject matter claimed. At the very least, features a) or c) are not disclosed or contemplated.

These features contribute to the advantageous shock absorbing effect. The applicant believes claim 13 (and dependent claims) to be novel and nonobvious therefore. New claim 24 is a method claim with terminology corresponding to claim 13. Applicant believes claim 24 (and dependent claim 25) to be allowable as well.

The applicant also notes:

Claim 14: None of the cited documents suggest a resilient mounting (and diaphragm) being mounted on an opposite side of a plate to the aerial.

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Claims 23 and 25: None of the cited documents refer to a diaphragm mounted on a spring part.

Claim 21 refers to a method comprising the step of:

*molding the capsule identification device in a capsule member with space for relative movement between the identification device and the material of the capsule member,*

In Pirritano it is mentioned that the transponders could be encapsulated in a golf ball core. However, there is no disclosure that there is space within the capsule for relative movement between the identification device and material of the capsule member. Quimby is also silent with regards to relative movement. In Boiron, the identification device and shell form a rigid monobloc assembly. Thus, none of the cited documents describe or contemplate this feature.

Applicant believes the subject matter of this claim (and dependent claim 22) is novel and nonobvious therefore.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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